

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

PENNY KENNEDY, and  
RAYMOND KENNEDY, individually  
and as guardians and next  
friends of  
TREVOR KENNEDY, an infant  
under the age of eighteen,

Plaintiffs,

v.

CIVIL ACTION NO. 2:03-0175

UNITED STATES OF AMERICA;  
CHARLESTON AREA MEDICAL CENTER, INC.  
dba Women and Children's Hospital of West Virginia  
dba Women and Children's Hospital  
dba CAMC Children's Hospital  
dba Women and Children's Hospital;  
INPHYNET HOSPITAL SERVICES, INC.,  
a foreign corporation, doing business  
in the State of West Virginia; and  
GORDON J. GREEN, Dr., individually,

Defendants.

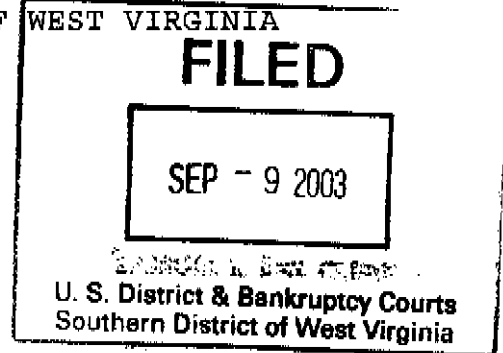
RULE 26(f) REPORT

1. Pursuant to Fed. R. Civ. P. 26(f), the parties by counsel conferred and make the following report to the Court.

2. Pre-Discovery Disclosures. The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) as directed by the Court.

3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

(a) All discovery will be commenced in time to be completed by June 30, 2004. The parties have discussed the discovery needs of this case and have determined that the discovery time required



is reasonable and necessary because Trevor Kennedy was treated at West Virginia University Hospital by specialists in orthopedics, rheumatology, and neurosurgery and a consult was made with a world renowned neurosurgeon in New York, New York. Accordingly, the parties anticipate that travel to and depositions in these locations will be necessary and time consuming due to the inherent difficulty of scheduling these busy medical professionals. Should the parties encounter any unanticipated problems in the timing of discovery, they will advise the Court as needed.

(b) Plaintiffs' expert witness disclosure shall be made by March 31, 2004, and defendants' expert witness disclosure shall be made by April 30, 2004.

(c) The parties stipulate and agree to be governed by the limitations on discovery provided in L.R. Civ. P. 3.01(c). Furthermore, the parties stipulate and agree that any witness in this action may appear by deposition testimony. The parties stipulate and agree that no expert shall be required to provide a list of publications or cases in which the expert has testified unless the expert maintains this latter information in the normal course of his or her business.

4. Other Items:

(a) The parties do not request a conference with the Court before entry of the scheduling order.

(b) The parties request a pretrial conference on September 1, 2004, with the Integrated Pretrial Order due to the court on July 26, 2004.

(c) Any request for an independent medical examination shall be made by February 2, 2004.

(d) All potentially dispositive motions should be filed by July 23, 2004, with responses and replies made according to the Local Rules.


(e) Settlement cannot be evaluated prior to the completion of discovery.

(f) Final lists of witnesses and exhibits under Rule 26(a)(3) should be due by July 12, 2004. The parties shall have ten (10) days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

(g) This case should be ready for trial by September 13, 2004, and at this time is expected to take approximately three to five days.

DATED: SEPT. 9, 2003

WITNESS THE FOLLOWING SIGNATURES:

  
STEPHEN M. HORN  
Assistant United States Attorney  
P.O. Box 1713  
Charleston, WV 25326  
(304) 345-2200

Counsel for United States



FO- SCOTT S. SEGAL  
SAMUEL A. HRKO  
The Segal Law Firm, LC  
810 Kanawha Blvd., East  
Charleston, WV 25301

and  
PAMELA A. LAMBERT  
Lambert & New  
P.O. Drawer 926  
Gilbert, WV 25621

Counsel for PENNY KENNEDY, and  
RAYMOND KENNEDY, individually  
and as guardians and next  
friends of TREVOR KENNEDY, an  
infant  
under the age of eighteen



FO- CHERYL EIFERT  
Charleston Area Medical Center  
Office of General Counsel  
501 Morris Street  
P.O. Box 3669  
Charleston, WV 25336

Counsel for Charleston Area Medical  
Center, Inc., Individually and  
d/b/a Women and Children's  
Hospital, d/b/a CAMC Children's  
Hospital, d/b/a CAMC Women's  
Hospital, and d/b/a CAMC Women and  
Children's Hospital



FO- KAREN TRACY MCELHINNY  
Shuman, McCuskey and Slicer, PLLC  
1411 Virginia Street, East  
Suite 200  
Charleston, WV 25301

Counsel for INPHYNET HOSPITAL  
SERVICES, INC., a foreign  
corporation, doing business  
in the State of West Virginia; and  
GORDON J. GREEN, Dr., individually